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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/875,477

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Kenneth P. Hinckley

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)

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MINNEAPOLIS, MN 55402-3319

EXAMINER

SHAPIRO, LEONID

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/875,477

Applicant(s)

HINCKLEY ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 9, 12, 14 and 34-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 12, 14 and 34-55 is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali et al.

Pub.: US 2002/0140675 A1) in view of Stove et al. (WO 98/14863).

Ali et al. teaches a method in a device having a display (See Title), the method comprising:

generating at least one sensor signal using at least one sensor in the device (See Fig. 9, item 950, paragraph 0066);

generating a tilt context value that indicates how the device is tilted based on at least one sensor signal (See Fig. 9, item 950, paragraph 0066); and

changing a display orientation context value that describes the orientation of a display based on the at least one sensor signal tilt context value (See Fig. 9, item 950, paragraph 0066).

Ali et al. does not disclose the tilt context value is being used to control scrolling of the image on the display.

Stove et al. teaches the tilt context value is being used to control scrolling of the image on the display (See Figs. 1A-1B, items 12,14,16, page 1, Lines 29-32 and page 4, Lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Stove et al. into Ali et al. system in order to control display by varying the angle of inclination of the device (See page 1, Lines 24-25 in the Stove et al. reference).

Allowable Subject Matter

2. Claim 5,34-43,12,14,44-55 are allowed.

Relative to claims 5,55 the major difference between the teaching of the prior art of record (Lands, Norden and Smith) and the instant invention is that generating a third display orientation context value that indicates that the device is laying flat based on the at least one sensor signal after generating the second display orientation context value; and selecting an orientation for an image on the display while the device is laying flat by using the first display orientation context value instead of the second display orientation context value.

Claim 34-43 depend on claim 5.

Relative to claim 12 the major difference between the teaching of the prior art of record (Lands, Norden and Smith) and the instant invention is that preventing the device from entering an idle mode because the sequence of proximity context values indicates that an object is moving relative to the device while allowing the device to enter an idle mode when the sequence of proximity context values indicate that an object is present but not moving relative to the device.

Claim 44-54 depend on claim 12.

Relative to claim 14 the major difference between the teaching of the prior art of record (Lands and Harrison) and the instant invention is that activating a sound capturing application based on the holding context value and the orientation context value.

Response to Arguments

3. Applicant's arguments with respect to claims 9 have been considered but not persuasive:

On page 12, 2nd paragraph of Remarks, Applicant's stated that Ali shows changing the orientation of a display based on a tilt sensor signal. Stove shows scrolling a displayed image based on a tilt sensor. Simply combining these two references would result in a device that will change the orientation of a display while a user is attempting to scroll an image. For example, in the combination suggested by the Examiner, if the user tilts the device too far to the left during scrolling, the image will rotate ninety degrees. This would be very annoying to users, and neither reference discusses this problem or suggests a solution to this problem. However, "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference.... Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).
See also In re Sneed, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983) ("[I]t is not necessary that the inventions of the references be physically combinable to render

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obvious the invention under review."); and In re Nievelt, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973) ("Combining the teachings of references does not involve an ability to combine their specific structures.").

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Telephone Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LS
06.06.07



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